



July 7, 2014

Federal Election Commission  
Office of Complaints Examination and Legal Administration  
Attn: Kim Collins, Paralegal  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2014 JUL 14 AM 11:04  
OFFICE OF GENERAL  
COUNSEL

Re: FEC matter MUR 6829

Dear Ms. Collins:

Enclosed please find an addendum to our May 22, 2014 original complaint in this matter, alleging possible violations of the Federal Election Campaign Act of 1971, as amended, by Senator Ron Johnson and/or his campaign committee, and/or his leadership PAC, Strategy PAC.

Pursuant to your letter of May 28, 2014, we are submitting this additional information which we believe further clarifies that Senator Johnson could have and should have disclosed fees for services received in relation to his lawsuit against the Office of Personnel Management, a lawsuit which he has repeatedly stated he is using his campaign account to fund.

Thank you for your consideration and review of this matter.

Sincerely,

Scot Ross  
Executive Director



**In the matter of MUR 6829**

2014 JUL 14 AM 11:04

## FEDERAL ELECTION COMMISSION COMPLAINT ADDENDUM

~~OFFICE OF GENERAL  
COUNSEL~~

**On May 22, 2014, One Wisconsin Now filed an initial complaint against Senator Ron Johnson and Strategy PAC, requesting the FEC initiate an investigation into Senator Ron Johnson, his campaign committee (Ron Johnson for Senate) and Senator Johnson's PAC, Strategy PAC, for violations of FEC regulations, including but not limited to reporting and disclosure requirements. Since that time we have received additional information, which we are submitting for consideration:**

- 1. On May 15, 2014, Wisconsin Institute for Law & Liberty, Inc. (WILL) filed its 2013 Form 990 with the Internal Revenue Service. A true and correct copy of this 990, obtained through Guidestar.com, is attached.**
- 2. WILL is providing legal services in the case of Johnson v. Office of Personnel Management (OPM), the fees for which were the basis of the original complaint filed by One Wisconsin Now.**
- 3. On page 2 and 3 of Schedule O of WILL's 990, the case of Johnson v. Office of Personnel Management is described. Included in that description, it states "Fees earned in 2013 but not collected until 2014 were \$10,770." A true and correct copy of these pages of Schedule O, obtained through Guidestar.com, are attached.**
- 4. A May 13, 2014 Milwaukee Journal Sentinel piece reports that a retainer agreement between Johnson and WILL requires that the legal work be paid for, "but so far WILL has not billed the Oshkosh Republican's campaign for its work on the Obamacare lawsuit." A true and correct copy of this article, obtained on JSonline.com, is attached.**
- 5. The FEC's Candidate Guide states that "a written agreement to make an expenditure, such as a media contract, constitutes an expenditure."**
- 6. The FEC's Candidate Guide includes a section of instructions for "Special Debt Reporting Problems", including reporting debts of an unknown amount. Neither Senator Johnson's campaign committee or PAC have reported a debt to WILL or any other entity or individual for legal fees to which they are contractually obligated.**
- 7. It is clear from the 990 submitted by WILL in May of 2014 that an actual or estimated amount for the fees incurred in 2013 was available, but not reported by Senator Johnson. As of July 7, 2014, the FEC website did not show any amended**

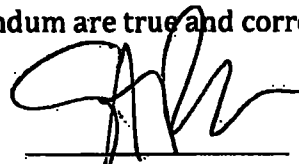
reports filed by Senator Johnson or Strategy PAC disclosing any fees incurred in his lawsuit against OPM.

8. Without disclosure of either expenses or incurred debts related to the Obamacare lawsuit, Senator Johnson is able to raise campaign funds claiming funds are needed for said expenses, without publicly disclosing any actual or incurred expense, leaving the public in the dark as to whether and how he is expending funds raised.
9. If Senator Johnson is not required to disclose this incurred expense to which one or both of his committees are legally obligated until he receives a bill, third parties could essentially fund his lawsuit or any other campaign activities for an indefinite amount of time by offering their services without submitting a bill for said services, thus circumventing campaign finance laws including disclosure.

THEREFORE, One Wisconsin Now, by its Executive Director, Scot Ross, requests that the Federal Election Commission include the above information in its investigation into these allegations, find Senator Johnson and his respective committees in violation of applicable FEC regulations, and impose sanctions appropriate to these violations and take such further action as appropriate.

#### Verification

One Wisconsin Now, by its Executive Director, Scot Ross, hereby verifies that the statements made in the above Complaint Addendum are true and correct to the best of his knowledge.

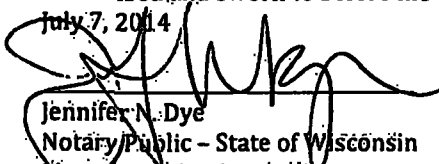


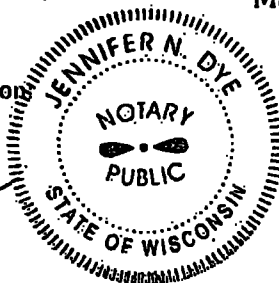
Scot Ross, Executive Director  
One Wisconsin Now  
152 W. Johnson St., Suite 214  
Madison, WI 53703

State of Wisconsin

County of Dane

Subscribed and sworn to before me on  
July 7, 2014

  
Jennifer N. Dye  
Notary Public - State of Wisconsin  
My commission is permanent.



Name of the organization **WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.**

Employer identification number  
**45-1606079**

**PROGRAM, WHEREBY STUDENTS EARN CREDITS FOR WORKING AS INTERNS IN NONPROFIT ORGANIZATIONS AND GOVERNMENT AGENCIES. WE HAVE NOW HAD FOUR INTERNS FROM THAT PROGRAM. WE ALSO HAVE HAD BOTH ATTORNEYS AND LAW STUDENTS VOLUNTEER THEIR TIME WITH US TO HELP ON VARIOUS PROJECTS.**

**NEW CASES IN 2013 INCLUDE:**

**JOHNSON V. OFFICE OF PERSONNEL MANAGEMENT:**

**THE PATIENT PROTECTION AND AFFORDABLE CARE ACT ("ACA") WAS ORIGINALLY WRITTEN IN A WAY THAT WOULD REQUIRE MEMBERS OF CONGRESS AND THEIR STAFFS TO PURCHASE INSURANCE FROM THE "EXCHANGES" ESTABLISHED UNDER THE ACA. FURTHERMORE, THEY WERE NOT TO RECEIVE AN EMPLOYER CONTRIBUTION FROM THE GOVERNMENT.**

**HOWEVER, PRESIDENT OBAMA'S ADMINISTRATION CHANGED THE RULES IN AN ILLEGAL MANNER. THE OFFICE OF PERSONNEL MANAGEMENT REWROTE THE RULES SO THAT MEMBERS OF CONGRESS AND THEIR STAFFS COULD RECEIVE AN EMPLOYER SUBSIDY FOR PURCHASING INSURANCE ON THE EXCHANGE, AND FURTHERMORE REQUIRED THEM TO PURCHASE INSURANCE THROUGH THE D.C. "SHOP" EXCHANGE, WHICH IS SUPPOSED TO BE EXCLUSIVELY FOR SMALL EMPLOYERS. ORDINARY CITIZENS CANNOT RECEIVE TAX-FREE SUBSIDIES FROM THEIR EMPLOYERS TO PURCHASE INSURANCE ON EXCHANGES. FEES EARNED IN 2013 BUT NOT COLLECTED UNTIL 2014 WERE \$10,770.**

**IN ORDER TO ENSURE THAT THE ACA IS IMPLEMENTED THE WAY CONGRESS WROTE IT, AND TO FIGHT BACK AGAINST THE PRESIDENT'S UNLAWFUL USURPATION OF LEGISLATIVE POWER, SENATOR RON JOHNSON (R-WI) FILED A FEDERAL LAWSUIT WITH LEGAL ASSISTANCE FROM WILL AND FORMER U.S. SOLICITOR GENERAL PAUL**

150047106010000

Name of the organization **WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.**

Employer identification number  
**45-1606079**

**CLEMENT.**

**MARONE V. MATC:**

**THE MILWAUKEE AREA TECHNICAL COLLEGE WAS ONE OF A FEW LOCAL GOVERNMENT EMPLOYERS TO TRY AND TAKE ADVANTAGE OF THE SO CALLED "WINDOW" OF OPPORTUNITY TO AVOID ACT 10 SUPPOSEDLY CREATED BY DANE COUNTY JUDGE JUAN COLAS'S RULING IN MADISON TEACHERS FINDING PORTIONS OF ACT 10 UNCONSTITUTIONAL. IN FEBRUARY, 2013, MATC REACHED A LABOR AGREEMENT WITH ITS EMPLOYEES' UNIONS CONTAINING NUMEROUS PROVISIONS IN VIOLATION OF ACT 10. ON BEHALF OF AN MATC PROFESSOR, WILL SUED MATC, SEEKING TO HAVE THE CONTRACT DECLARED NULL AND VOID. THE CASE IS CURRENTLY IN BRIEFING.**

**LACROIX V. KENOSHA UNIFIED SCHOOL DISTRICT:**

**WHILE THE MADISON TEACHERS CASE WAS BEFORE THE SUPREME COURT, JUDGE COLAS HELD THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION IN CONTEMPT AND ORDERED THEM NOT TO ENFORCE ACT 10 AGAINST ANY OTHER MUNICIPAL EMPLOYERS OR UNIONS. SEEKING TO TAKE ADVANTAGE OF THE CONFUSION CAUSED BY THE CONTEMPT ORDER (WHICH WAS LATER THROWN OUT), THE KENOSHA EDUCATION ASSOCIATION ENTERED INTO HURRIED NEGOTIATIONS WITH THE KENOSHA SCHOOL DISTRICT (THE THIRD LARGEST DISTRICT IN THE STATE), CREATING A COLLECTIVE BARGAINING AGREEMENT THAT IGNORES ACT 10'S REQUIREMENTS.**

**ON BEHALF OF A KENOSHA TAXPAYER AND A KENOSHA TEACHER, WE FILED A LAWSUIT SEEKING TO DECLARE THAT CONTRACT VOID. ALTHOUGH THE JUDGE DENIED OUR REQUEST FOR A TEMPORARY INJUNCTION, HE ALSO DENIED THE DISTRICT'S AND UNION'S MOTIONS TO DISMISS AND RULED THAT DESPITE JUDGE**

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## Ron Johnson to use campaign fund for Obamacare suit

By Patrick Marley of the Journal Sentinel

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Madison — U.S. Sen. Ron Johnson will use his campaign account to pay for a lawsuit he filed in federal court challenging an aspect of the Affordable Care Act.

That's according to two people -- Melinda Whitmarsh Schnell, an aide to Johnson, and Rick Esenberg, the president of the Wisconsin Institute for Law & Liberty, the group that is providing Johnson with legal service.

A retainer agreement requires that the work be paid for, but so far WILL has not billed the Oshkosh Republican's campaign for its work on the Obamacare lawsuit.

"We haven't sent a bill because, as a public interest firm that normally does not bill or is paid only at the conclusion of a matter, we tend to bill on a longer cycle than a commercial law firm might," Esenberg wrote in an email to the Milwaukee Journal Sentinel.

Schnell said the campaign would pay the legal bills once it received them.

The two were responding to a news release from the liberal group One Wisconsin Now that said it had reviewed Johnson's campaign finance reports but found no indication of payments to or obligations for WILL.

Johnson in January filed a lawsuit to block the federal government from helping to pay for health care coverage for members of Congress and their staffs. He said at the time he hoped to raise money through his campaign fund to pay for the effort.

The lawsuit caused rifts within Johnson's party, with U.S. Rep. Jim Sensenbrenner -- a Republican from Menomonee Falls -- calling it a "political stunt."

In November, the Senate Ethics Committee told Johnson he had to pay the fair market value of legal services but could use personal money or campaign funds to pay those costs.

At the request of the Milwaukee Journal Sentinel, Johnson's office on Tuesday released a copy of the letter he received from the committee's chief counsel, John Sassaman, that detailed the rules he must follow.

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